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NOTICE OF ALLOWANCE AND FEE(S) DUE

24938

7590

09/03/2009

DAIMLERCHRYSLER INTELLECTUAL CAPITAL CORPORATION
CIMS 483-02-19
800 CHRYSLER DR EAST
AUBURN HILLS, MI 48326-2757

EXAMINER

FREINEL, VANEL

ART UNIT

PAPER NUMBER

3687

DATE MAILED: 09/03/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/000,697

03/07/2001

Prudence A. McIntosh

705445US1RAIF

4028

TITLE OF INVENTION: COMPUTER-IMPLEMENTED VEHICLE REPAIR CLAIMS RULES GENERATOR SYSTEM

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	12/03/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

24938 7590 09/03/2009

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800 CHRYSLER DR EAST
AUBURN HILLS, MI 48326-2757

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I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE-FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/800,697 03/07/2001

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TITLE OF INVENTION: COMPUTER-IMPLEMENTED VEHICLE REPAIR CLAIMS RULES GENERATOR SYSTEM

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nonprovisional	NO	\$1510	\$300	\$0	\$1810	12/03/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
FRENEL, VANEL	3687	705-004000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/147; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

1

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

2

3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 2077 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 2077 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability**Application No.**

09/800,697

Applicant(s)

MCINTOSH ET AL.

Examiner

VANEL FRENEL

Art Unit

3687

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERIT IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/22/09 After the Board Decision.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION
EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Ronald A. Fuller III on August 24, 2009.

This listing of claims will replace all prior versions and listings of claims in this application.

AMENDMENTS TO THE CLAIMS

LISTING OF CLAIMS

1. (Currently Amended) A computer-implemented warranty knowledge base construction system, comprising:

a computer having:

a user interface for receiving a first rule related to vehicle repair claim processing;

a rules syntax data store that stores syntax rules for constructing repair claim-related rules;

a knowledge base generator module connected to the user interface and to the rules syntax data store for determining whether the first rule is in an acceptable syntax based upon the stored syntax rules; and

a knowledge base system wherein the first rule is used to process repair claims.

Deleted: wherein the first rule is used in

2. (Original) The system of claim 1 wherein a knowledge base stores a plurality of repair claim-related expert rules to evaluate a repair claim, said system further comprising:

an integrity rules module connected to the knowledge base generator module in order to determine whether the first rule is consistent with respect to at least one of the warranty-related expert rules that is stored in the knowledge base.

3. (Original) The system of claim 2 wherein the first rule is incorporated into the knowledge base, said system further comprising:

a testing module for testing the knowledge base with testing scenarios.

4. (Original) The system of claim 2 wherein the first rule is incorporated into the knowledge base, said system further comprising:

a testing module for performing regression testing of the knowledge base.

5. (Original) The system of claim 2 further comprising:

a reverse engineer module for generating a specification for the knowledge base.

6. (Original) The system of claim 5 wherein the specification for the knowledge base includes warranty methods and warranty business rules.

7. (Original) The system of claim 2 wherein the first rule contains a high level computer expression, said knowledge base generator evaluating the high level expression as to whether the high level expression of the first rule is in an acceptable syntax based upon the stored syntax rules.

8. (Original) The system of claim 7 wherein the knowledge base generator generates a lower level representation of the first rule if the first rule is in an acceptable syntax.

9. (Original) The system of claim 8 wherein the high level computer expression of the first rule is an English phrase, wherein the lower level representation of the first rule is at least one line of programming code.

10. (Original) The system of claim 9 wherein the programming code is C++ programming code.

11. (Currently Amended) A computer-implemented warranty knowledge base construction method, comprising the steps of:

receiving with a computer a first rule related to vehicle repair claim processing;

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storing syntax rules in the computer for constructing repair claim-related rules;

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determining with the computer whether the first rule is in an acceptable syntax based upon the stored syntax rules; and

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the computer using the first rule in a knowledge base method to process repair claims.

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Deleted: networked system

12. (Currently Amended) The method of claim 11 including evaluating a repair claim with the computer using a plurality of repair claim-related expert rules stored in a knowledge base of the computer and

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determining with the computer whether the first rule is consistent with respect to at least one of the repair claim-related expert rules that is stored in the knowledge base.

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13. (Currently Amended) The method of claim 12 including incorporating with the computer the first rule into the knowledge base and testing the knowledge base with testing scenarios.

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14. (Currently Amended) The method of claim 12 including incorporating with the computer the first rule into the knowledge base, and performing regression testing of the knowledge base.

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15. (Original) The method of claim 12 further comprising the steps of:
using a reverse engineer module for generating a specification for the knowledge base.

16. (Original) The method of claim 15 wherein the specification for the knowledge base includes warranty methods and warranty business rules.

17. (Original) The method of claim 12 wherein the first rule contains a high level computer expression, said method further comprising the step of:
evaluating the high level expression as to whether the high level expression of the first rule is in an acceptable syntax based upon the stored syntax rules.

18. (Original) The method of claim 17 further comprising the step of:
generating a lower level representation of the first rule if the first rule is in an acceptable syntax.

19. (Original) The method of claim 18 wherein the high level computer expression of the first rule is an English phrase, wherein the lower level representation of the first rule is at least one line of programming code.

20. (Original) The method of claim 19 wherein the programming code is C++ programming code.

Notice to Applicant

2. This communication is in response to the Decision by the Board of Appeals and Interferences dated 6/22/09 and the Proposed Amendment submitted on 09/24/09. Claims 1, 11, 12, 13 and 14 have been amended. Claims 1-20 are pending.

Allowable Subject Matter

3. Claims 1-20 are allowed. The following is an examiner's statement of reasons for allowance in light of the Decision on Appeal mailed on 6/22/09.

Independent claims 1 and 11 are directed to "a rules syntax data that stores syntax rules for constructing repair claim-related rules; a knowledge base generator module connected to the user interface and to the rules syntax data store for determining whether the first rule is in an acceptable syntax based upon the stored syntax rules; and a knowledge base system wherein the first rule is used to process repair claims".

The closest prior art of record: Sampath (6, 892,317) discloses diagnosis and repair system and method.

Abdel-Malek (6, 959,235) discloses systems and methods for failure prediction, diagnosis and remediation using data acquisition and feedback for a distributed electronic system.

However, the combination of Sampath and Abdel-Malek fails to teach/suggest "a rules syntax data that stores syntax rules for constructing repair claim-related rules; a knowledge base generator module connected to the user interface and to the rules syntax data store for determining whether the first rule is in an acceptable syntax based upon the stored syntax rules; and a knowledge base system wherein the first rule is used to process repair claims", as recited in claims 1 and 11 above.

Further, in the decision by the Board of Patent Appeals and Interferences mailed on 6/22/09, the prior rejections of claims 1-20 are reversed. The reason for the reversal claims was, as noted by the Board at pages 8-9 of the decision mailed on 6/22/09, the examiner does not clearly and particularly point out "a rule syntax store for storing syntax rules and a knowledge base generator that determining whether the first rule is acceptable syntax".

Claims 2-10, and 12-20 incorporate the features of claims 1 and 11 through their dependencies, and are also allowed for the same reasons given above, and incorporated herein.

The drawings filed on 3/07/01 have been acknowledged and considered by the Examiner.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VANEL FRENEL whose telephone number is (571)272-6769. The examiner can normally be reached on 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S. Gart can be reached on 571-272-3955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vanel Frenel/

Primary Examiner, Art Unit 3687

August 27, 2009